UNITED STATES DISTRICT COURT DISTRICT OF NEVADA RUBEN B. LOPEZ, Plaintiff, 3:11-cv-00192-LRH-VPC v. ORDER PROPAK LOGISTICS, Defendant.

Before the Court is Plaintiff Ruben Lopez's ("Lopez") Motion to Reopen his case. Doc. #10.1 Lopez filed his Complaint against Defendant Propak Logistics on June 7, 2011. Doc. #3. The Court dismissed the case on August 7, 2012 for want of prosecution. Doc. #8. The Court stated that its dismissal was based on the fact that the action had been pending for more than nine months without any proceeding having been taken, and that dismissal was therefore appropriate under Local Rule 41-1. *Id.* On November 19, 2014, Lopez filed a notice of change of address, noting that prior communications had been sent to the wrong address, and requesting that the Court reopen the case. Doc. #10.

A court has discretion to grant relief from an Order dismissing a case. Fed. R. Civ. P. 60(b)(6). Motions for such relief "must be brought within a 'reasonable time' and in any event not longer than one year after the judgment was entered." *Ashford v. Steuart*, 657 F.2d 1053, 1055 (9th Cir. 1981). Reasonable time "depends on the facts of each case," but courts consider "the interest

¹ Refers to the Court's docket number.

Case 3:11-cv-00192-LRH-VPC Document 11 Filed 01/14/15 Page 2 of 2

1	in finality, the reason for delay, the practical ability of the litigant to learn earlier of the grounds
2	relied upon, and prejudice to other parties." <i>Id</i> .
3	Lopez's Motion was filed more than two years after the Court's order dismissing his case
4	The case was dismissed without prejudice, and Lopez was therefore entitled to renew his
5	Complaint within a reasonable time of the Order. The Court denies Lopez's Motion, however,
6	because two years cannot be considered a "reasonable time," and Lopez has not presented a
7	compelling reason to excuse the substantial delay.
8	IT IS THEREFORE ORDERED that Lopez's Motion to Reopen (Doc. #10) is DENIED.
9	IT IS SO ORDERED.
10	DATED this 13th day of January, 2015.
11	I ADDV D. HICKS
12	UNITED STATES DISTRICT JUDGE
13	
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	
26	